

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

MILTON SAMUELS,

Defendant.

No. 08-cr-789-6 (RJS)

ORDER

RICHARD J. SULLIVAN, Circuit Judge:

The Court is in receipt of a letter from Defendant, Milton Samuels, purporting to challenge the Court's imposition of a lifetime term of supervised release as part of the sentence originally imposed on November 13, 2009. (Doc. No. 471.) Samuels is currently serving the 276-month term of imprisonment that was also imposed on that date as a result of his conviction after trial of conspiracy to distribute cocaine and use of a firearm in furtherance of that conspiracy. (Doc. No. 159 at 1–2.)

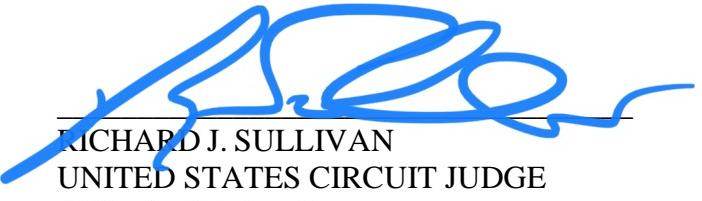
In his letter, Samuels chiefly relies on Federal Rule of Criminal Procedure 36, which permits a district court to correct a “clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from oversight or omission.” Samuels does not explain how the Court’s imposition of a lifetime term of supervised released could be construed as a “clerical error.” The Court’s independent review of the record confirms that it was not, nor was it “an error in the record arising from oversight or omission,” or any other type of error that Rule 36 provides a mechanism to correct. *See Marmolejos v. United States*, 789 F.3d 66, 70–71 (2d Cir. 2015) (discussing the narrow scope of Rule 36).

Accordingly, IT IS HEREBY ORDERED that Samuels's challenge to his life term of supervised release is DENIED. The Court declines to issue a certificate of appealability because Samuels has not made a substantial showing of the denial of a federal right. *See Tankleff v. Senkowski*, 135 F.3d 235, 241 (2d Cir. 1998). The Court additionally finds pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith.

The Clerk of Court is respectfully directed to mail a copy of this Order to Samuels.

SO ORDERED.

Dated: February 25, 2022
New York, New York


RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation